IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:	10/077,520	§		
Filed: February 15, 2002		§	Examiner:	Boutah, Alina A.
Inventors:		§	Group/Art Unit:	2143
Fintan Ryan		§	Atty. Dkt. No:	5151-78701
		§		
		§		
Title: System and Method for Batch		§		
Tuning Intelligent Devices		§		

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. Claims 1-72 are pending in the application. Reconsideration of the present case is earnestly requested in light of the following remarks. Please note that for brevity, only the primary arguments directed to the independent claims are presented, and that additional arguments, e.g., directed to the subject matter of the dependent claims, will be presented if and when the case proceeds to Appeal.

The Examiner rejected claims 1-5, 7-18, 23-56, 60-66, 68, 69 and 72 under 35 U.S.C. § 103(a) as being unpatentable over Horman (U.S. Patent 6,785,706) in view of Mossman (U.S. Publication 2002/0124061), and claims 6, 19-22, 57-59, 67 and 71 as being unpatentable over Horman in view of Mossman and in further view of Shafron et al. (U.S. Publication 2003/0014479) (hereinafter "Shafron"). **Applicant notes the following clear errors in the Examiner's rejection.**

Regarding claim 1, contrary to the Examiner's assertion, Horman in view of Mossman clearly fails to teach or suggest *accessing a plurality of configuration files on the intelligent device, wherein each of the one or more configuration files includes configuration information for one of a plurality of software components of the intelligent device.* The Examiner's citations in Horman describe an administrative control server configured to change the configurations of administered servers according to synchronization instructions generated from configuration information <u>stored on the administrative control server.</u> **There is nothing in these citations, or elsewhere in the combination of Horman and Mossman, to teach or suggest** <u>**accessing a plurality of configuration files on the**</u>

intelligent device (for which a batch configuration document is generated), as recited in claim 1. Also, there is nothing in the combination of Horman and Mossman to teach or suggest one or more configuration files, each **including configuration information for one of a plurality of software components of the intelligent device, as recited in claim 1.** The configuration information stored on the administrative control server of Horman instead includes items describing server configurations, such as which administered servers are in the environment, the group each administered server belongs to, and which version of end-user applications an administered server is running, not information for configuring individual software components on an intelligent device.

The Examiner admits, in the Office Action dated March 20, 2006, that Horman does not explicitly teach the configuration files being accessed on the intelligent device itself. The Examiner submits that Mossman teaches this limitation. However, in Mossman, data is collected from the user (not accessed from a configuration file on an intelligent device) and stored on the server. For example, configuration documents 132 are located on the server, and configuration parameters relations database 64 and parameter values database 60 are located on configuration system 10, which is on the server side of system 100. Therefore, the Examiner's additional citations in Mossman do not overcome the deficiency of Horman in teaching or suggesting this limitation. In the Response to Arguments section of the Office Action dated May 7, 2007, the Examiner cites Horman as defining what is in the configuration file. However, this citation describes what is included in a database definition and does not teach a configuration file. Applicant again asserts that data obtained from a user through a graphical user interface (Mossman) and stored on a server is clearly not analogous to accessing configuration files on an intelligent device, as recited in claim 1.

Further regarding claim 1, contrary to the Examiner's assertion, Horman in view of Mossman clearly fails to teach or suggest *generating the batch configuration document from the plurality of configuration files, wherein the batch configuration document includes the configuration information for the plurality of software components of the intelligent device.* The Examiner cites Horman (column 5, lines 43-55) as teaching this limitation. However, this citation describes generating synchronization instructions based on which batches of synchronization scripts apply to each administered server. There is nothing in this citation, or elsewhere in the combination of Horman and Mossman, that teaches or suggests that these synchronization scripts or synchronization instructions include configuration information for the plurality of software components of the intelligent device, as recited in claim 1. In the Response to Arguments section of the Office Action dated May 7, 2006, the Examiner states, "The batch file includes end-user application as well as database definition... The end-user application comprises software component, as well known in the art." The Examiner has failed to

describe how a batch file that includes an end-user application or a software component has any bearing on claim 1, which teaches, **configuration files includes <u>configuration information</u> for one of a plurality of software components.**

Also, regarding claim 1, Horman in view of Mossman fails to teach or suggest *the batch configuration document is accessible for use in configuring the plurality of software components of the intelligent device whose configuration files were used in said generating the batch configuration document.* The Examiner cites Horman (column 5, lines 43-55 and line 66 – column 6, line 5) as teaching this limitation. However, as discussed above, neither of these citations teaches or suggests a <u>batch configuration document</u> for <u>configuring a plurality of software components</u> of an intelligent device <u>whose configuration files</u> were used in <u>generating the batch configuration document</u>. There is nothing in the combination of Horman and Mossman that teaches or suggests configuration files on an intelligent device or configuring a plurality of software components on the intelligent device whose configuration files were used in generating a batch configuration document. The Examiner's citation does not teach, "<u>generating batches</u>", but teaches using scripts known as "batches" for database definitions and data.

Applicant also asserts that the Examiner has not provided a proper reason to combine the references. The Examiner submits that at the time the invention was made, one of ordinary skill in the art would have been motivated to <u>access configuration files on an intelligent device</u> in order to configure a plurality of parameters of a target device, therefore optimizing the device for its intended use. **The Examiner's assertion is completely unsupported by any evidence of record.** Moreover, even if the references were combined, the resultant combination would not produce Applicant's claimed invention, as shown above. Therefore, for at least the reasons above, the rejection of claim 1 is not supported by the cited art and removal thereof is respectfully requested. Applicant's arguments above regarding claim 1 apply also to claims 41, 66 and 70, which recite similar limitations.

The Examiner rejected claim 16 under the same rationale as claim 1. **Applicant asserts that the scope of claim 1 and claim 16 differ, and <u>since the Examiner failed to address the differences between claims 1 and 16, the Examiner has failed to state a</u> *prima facie* <u>rejection of claim 16</u>.** For example, claim 1 recites, "A method for <u>generating a batch configuration document</u> for an intelligent device." It includes, "<u>accessing a plurality of configuration files</u> on the intelligent device, wherein each of the one or more configuration files include configuration information for one of a plurality of software components of the intelligent device." By comparison, claim 16 recites, "A method for <u>configuring a plurality of software components</u> of an intelligent device." It includes, "<u>accessing a batch configuration document</u>, wherein the batch configuration document comprises configuration information for the

plurality of software components of the intelligent device." **Applicant asserts that both the scope and specific limitations of the methods of claims 1 and 16 are clearly different, and that the Examiner did not address these differences.** Therefore, for at least the reasons above, the rejection of claim 16 is not supported by the prior art and removal thereof is respectfully requested.

Regarding claim 33, contrary to the Examiner's assertion, Horman in view of Mossman clearly fails to teach or suggest _generating a batch configuration document_ **from a plurality of** _configuration files on a first intelligent device_ **and** _configuring one or more software components of a_ _second intelligent device_ **using the batch configuration document generated on the first intelligent** _device._ As discussed above, regarding claim 1, Horman in view of Mossman fails to teach or suggest generation of a batch document for configuring software components of an intelligent device. There is also nothing in Horman or Mossman, or the combination thereof, that teaches or suggests generating the batch configuration document on a first intelligent device and using it to configure software components on a second intelligent device, as recited in claim 33. In the Response to Applicants section of the present Office Action, the Examiner asserts, "[t]he control server creates a synchronization script. The synchronization script is used to configure the administered servers." **The Examiner has not addressed the limitation generating a batch configuration document from a plurality of configuration files on a first intelligent device and configuring one or more software components of a second intelligent device using the batch configuration document generated on the first intelligent device.** Applicant asserts that Horman and Mossman clearly do not teach this limitation. For at least the reasons above, the rejection of claim 33 is not supported by the prior art and removal thereof is respectfully requested.

Regarding claim 48, Horman in view of Mossman clearly fails to teach or suggest _a plurality of configuration files, wherein each... is associated with one of the plurality of software components, and wherein each... includes configuration information for its associated component, and a memory operable to store program instructions_ for _generating_ a _batch configuration document... from the configuration information accessed from each of the plurality of configuration files ... accessible for use in configuring the plurality of software components in the intelligent device,_ as the Examiner contends. As discussed above, the Examiner's citations in Horman fail to teach or suggest generation of a batch document for configuring software components of an intelligent device. The Examiner has essentially rejected claim 48 under the same rationale as claim 1, and therefore the arguments made by Applicant for claim 1 apply to claim 48. For at least the reasons above, the rejection of claim 48 is unsupported by the prior art and removal thereof is respectfully requested.

Regarding claim 56, contrary to the Examiner's assertion, Horman in view of Mossman fails to

teach or suggest *a plurality of software components* and *a plurality of configuration files, wherein each of the plurality of configuration files is associated with one of the plurality of software components, and wherein each of the plurality of configuration files includes configuration information for its associated component.* The Examiner cites Horman as teaching these limitations. However, as discussed above, Horman does not describe configurable software components of an intelligent device, with associated configuration files including configuration information for the software components. Furthermore, Horman in view of Mossman fails to teach or suggest *the batch configuration document comprises configuration information for the plurality of software components of the intelligent device* and *apply the configuration information from the batch configuration document to the plurality of configuration files on the intelligent device.* In the Office Action dated March 20, 2006, the Examiner admits that Horman does not explicitly teach the configuration files being accessed on the intelligent device itself. The Examiner submits that Mossman teaches this limitation. However, as discussed above, the Examiner's additional citations in Mossman do not overcome the deficiency of Horman in teaching or suggesting *the plurality of configuration files on the intelligent device.* For at least the reasons above, the rejection of claim 56 is not supported by the prior art and removal thereof is respectfully requested.

In light of the foregoing remarks, Applicant submits the application is in condition for allowance, and notice to that effect is respectfully requested. If any extension of time (under 37 C.F.R. § 1.136) is necessary to prevent the above referenced application from becoming abandoned, Applicant hereby petitions for such an extension. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505/5181-78701/RCK.

Respectfully submitted,
/Robert C. Kowert/
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